FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.7322 of 2004

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Mihir Desai for petitioner.
Ms.Leena Nagarkar for Mr.S.A.Sawant for res.No.1.
Mr.P.I.Khemani, AGP for res.Nos.3 & 4.

CORAM : H.L GOKHALE, J.

DATED : 6th September 2005

P.C. :

1. Heard the learned Counsel for the parties.

2. The services of the petitioner were terminated during the probation period since his work was not found to be satisfactory. That order was passed on 30th March 1999, which was challenged in the proceedings to the School Tribunal. The School Tribunal recorded that the petitioner was not in a position to teach the subject for which he was appointed viz. English. A

tri-partite committee has given its report about the petitioner's capability and even the Judge has referred to specific instances about his lack of knowledge of the language in his judgment.

3. In the circumstances, I cannot impose such a teacher on the school. There is no error on the part of the School Tribunal in dismissing the Appeal. Petition is, therefore, dismissed.

4. On the request of Mr.Desai, learned Counsel appearing for the petitioner, who is present in Court, it is recorded that in the event the petitioner wants to resign, he may tender his resignation letter and in which case Ms.Nagarkar appearing for respondent No.1, states that the same will be accepted by the 1st respondent and it will replace the order of

termination.

(H.L.GOKHALE, J.)